

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 383 – SB 1254

March 28, 2017

SUMMARY OF ORIGINAL BILL: Reduces the expungement fee from \$350 to \$205 and changes the allocation formula. Authorizes a person to seek expungement after one year, rather than five years.

CORRECTED FISCAL IMPACT OF ORIGINAL BILL:

Decrease State Revenue – \$131,400/General Fund
\$571,200/TBI

SUMMARY OF AMENDMENT (006038): Deletes all language after the enacting clause. Authorizes expungement for 16 misdemeanor offenses not currently expungable under current law.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Tennessee Code Annotated § 40-32-101(g)(1)(B) prohibits expungement of 45 different misdemeanor offenses. The proposed legislation removes 16 offenses from this list.
- Some of the offenses include assault, aggravated assault of a public employee, aggravated criminal trespass of a habitation, enticing a child to purchase intoxicating liquor, unlawful dispensing of immediate methamphetamine precursor, violent felon owning or possessing a vicious dog, and misuse of official information by a public servant.
- Since the expunction law was amended by Public Acts 2012, Public Chapter 1103, the number of expunctions filed each year has been drastically less than anticipated. Approximately one percent of original projections have been realized.
- It is assumed that allowing expungement of these additional offenses will not significantly increase the number of petitions filed each year.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm